

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS A. HAWTHORNE,

Plaintiff,

v.

A YANEZ, et al.,

Defendants.

Case No. [17-cv-04960-HSG](#)

ORDER OF E-SERVICE

On November 24, 2020, the Court screened the first amended complaint pursuant to 28 U.S.C. § 1915A. Dkt. No. 30. The Court dismissed certain defendants, dismissed certain claims with prejudice, and dismissed certain claims with leave to amend. The Court found that the first amended complaint stated cognizable claims against San Quentin State Prison (“SQSP”) prison officials G. Fonesca, A. Yanez, J. Czajkowski, J. Davis, B. Deal, L. Hagens, S. Swensen, and R. Thomas. The Court ordered the Clerk to issue summons, and the United States Marshal to serve these defendants with a copy of the first amended complaint (Dkt. No. 21) and all attachments thereto, and a copy of the November 24, 2020 screening order.¹ The Court ordered Defendants to file a dispositive motion by February 23, 2021. *See generally* Dkt. No. 30.

The deadline for filing the dispositive motion has passed, and Defendants have not appeared in this action. The United States Marshal’s Service has not informed the Court whether it has been able to effect service.

//

¹ The Court also ordered that a courtesy copy of the first amended complaint with attachments and of the November 24, 2020 screening order be mailed to the California Attorney General’s Office, which was done on November 25, 2020.

1 Accordingly, the Court orders that service on **defendants G. Fonesca, A. Yanez, J.**
2 **Czajkowski, J. Davis, B. Deal, L. Hagens, S. Swensen, and R. Thomas at San Quentin State**
3 **Prison, Main Street, San Quentin, CA 94964** proceed under the California Department of
4 Corrections and Rehabilitation's ("CDCR") e-service program for civil rights cases from prisoners
5 in CDCR custody. In accordance with this program, the Clerk is directed to serve on CDCR via
6 email the following documents: the first amended complaint (Dkt. No. 21), the November 24,
7 2020 screening order and order of service (Dkt. No. 30), a CDCR Report of E-Service Waiver
8 form and a summons. The Clerk also shall serve a copy of this order on the Plaintiff.

9 No later than 40 days after service of this order via email on CDCR, CDCR shall provide
10 the Court a completed CDCR Report of E-Service Waiver advising the Court which defendant(s)
11 listed in this order will be waiving service of process without the need for service by the United
12 States Marshal Service ("USMS") and which defendant(s) decline to waive service or could not be
13 reached. CDCR also shall provide a copy of the CDCR Report of E-Service Waiver to the
14 California Attorney General's Office which, within 21 days, shall file with the Court a waiver of
15 service of process for the defendant(s) who are waiving service.

16 Upon receipt of the CDCR Report of E-Service Waiver, the Clerk shall prepare for each
17 defendant who has not waived service according to the CDCR Report of E-Service Waiver a
18 USM-205 Form. The Clerk shall provide to the USMS the completed USM-205 forms and copies
19 of the November 24, 2020 order (Dkt. No. 30), the summons and the operative complaint (Dkt.
20 No. 21) for service upon each defendant who has not waived service. The Clerk also shall provide
21 to the USMS a copy of the CDCR Report of E-Service Waiver.

22 The briefing schedule set forth in the November 24, 2020 order is reset as follows.

23 No later than 91 days from the date this order is filed, Defendants must file and serve a
24 motion for summary judgment or other dispositive motion.


25 Plaintiff's opposition to the summary judgment or other dispositive motion must be filed
26 with the Court and served upon Defendants no later than 28 days from the date the motion is filed.

27 Defendants shall file a reply brief no later than 14 days after the date the opposition is
28 filed.

1 The motion shall be deemed submitted as of the date the reply brief is due. No hearing
2 will be held on the motion.

3 **IT IS SO ORDERED.**

4 Dated: 3/3/2021

5 
6 HAYWOOD S. GILLIAM, JR.
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California